

Members of the Probate Conservatorship Task Force:

This afternoon I am speaking as a representative of the California Association of Superior Court Investigators. I would like to address just two of the topics from this session.

**1. Whether court review of conservatorships should be conducted more frequently and what the focus of these reviews should be.**

You have heard from several court investigators and others that the resources are not available to do the reviews that are required now. I want to explain how dire the situation really is. In Sacramento County, as in many if not most other counties, we basically only review cases when an accounting is filed. This has created the peculiar situation where we only review cases where the conservator is playing by the rules. If an accounting is not filed the conservator never hears from an investigator.

To reexamine how we got in this situation, in 1986 court investigators were required to start doing guardianship investigations. At that time Sacramento County had four investigators and the reviews were being done timely. We now have five investigators. Last year we did 1,187 investigations or more than 20 investigations per month per investigator. Most courts expect an investigator to do about 16 investigations per month.

Of these investigations, 240 were preappointment conservatorships and 306 were initial guardianships. And with these 546 new filings there were 214 requests for temporary conservatorship or guardianship. This is to say that in addition to the significant increase in conservatorships over the last 20 years we are expected to do 300 guardianship investigations with only one additional investigator. Something had to give and it was conservatorship reviews.

We have approximately 1009 active conservatorship cases. 302 cases are person only, meaning that there is no estate or the estate has been put into a trust. No accounting is required to be filed in these conservatorships. These cases are seldom on calendar so there is no push to complete a review. Some of these cases have not been reviewed since the mid-eighties and perhaps have never been visited by an investigator after the initial investigation and report.

We have 707 cases that include the estate and periodic accountings are required. Of these only 173 are current with the accounting. This means that 534 conservators have not filed the accounting as required and the case has not been reviewed.

Before we even begin to discuss changes to the review process we need to discuss where the resources are to come from to complete an additional 836 investigations and review an additional 500 accountings every two years.

We are keenly aware of this. I know these numbers because in October we started reviewing 33,000 Probate files going back 20 years. We are almost complete. From the numbers I already have I can tell you that Sacramento County will need 2 or 3 more investigators just to do what we are already required to do and are not doing.

Without additional funding any other discussion is moot.

## **2. How courts can more effectively review accountings and the appropriate role for court investigators and other court personnel in preventing and deterring abuse.**

The main problem with accountings is that the conservator can chose exactly what they want the court to see. But the commission has heard from a number of sources ideas on how to better review accountings including auditing private professional conservators.

I would like to address an area that I feel gets too little attention – identity theft of the conservatee by the caregiver. There are frequent stories in the news of caregivers having prison records and working as the caregiver for elderly clients. We all know how frequently we get credit card applications in the mail. What if someone, either the caregiver or relative conservator, had easy access to your Social Security number and blank checks? The ease with which someone could start opening accounts and running up huge balances in your name and without you knowledge is staggering.

I would like to see a provision for the court to require credit reports on the conservatee, not the conservator, when the review is done. This would be one simple step the court could undertake to protect conservatees.

The news stories of course are just anecdotal reports. Even funding a model program to see if there really is a problem would be a step in the right direction. Sacramento County would volunteer to be the lead court in this.

Thank you.

James Locke  
Probate Manager, Sacramento County Superior Court  
California Association of Superior Court Investigators